

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

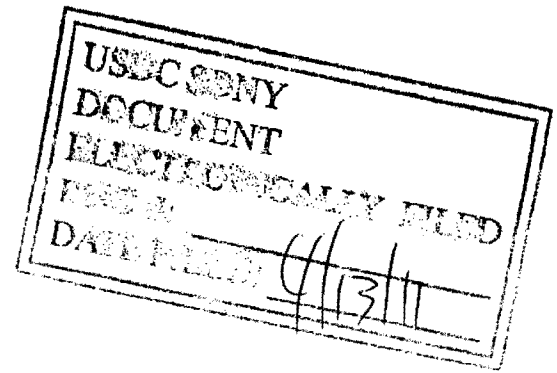
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KENNETH DRAYTON and FLORENCE
CELESTIN, individually and on behalf
of all others similarly situated,

Plaintiffs,

-v-

METROPLUS HEALTH PLAN, INC. and NEW
YORK CITY HEALTH AND HOSPITALS
CORPORATION,

Defendants.
----- x



10 Civ. 9686 (JSR)

ORDER

JED S. RAKOFF, U.S.D.J.

Plaintiffs Kenneth Drayton and Florence Celestin bring this putative class action against defendants MetroPlus Health Plan, Inc. ("MetroPlus") and New York City Health and Hospitals Corporation ("HHC") alleging that defendants failed to pay them overtime pay, in violation of the Fair Labor Standards Act, 29 U.S.C. §§ 201 et seq. ("FLSA") and New York Labor Law Article 19, §§ 650 et seq. On March 7, 2011, defendants moved to dismiss the plaintiffs' claim arising under New York Law on the basis of their contention that HHC and MetroPlus are "political subdivisions" of New York State, and are therefore exempt from the overtime provisions of NY Labor Law. Having carefully considered the parties submissions, as well as oral argument on April 5, 2011, the Court hereby grants the motion in its entirety. An opinion explaining the reasons for this ruling will issue in due course.

The Clerk of the Court is directed to close document number 10
on the docket of this case.

SO ORDERED.

Dated: April 12, 2011
New York, NY


JED S. RAKOFF, U.S.D.J.